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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,027	03/19/2004	Dennis J. Gallant	7175-74811	7971
23643	7590	11/01/2005	EXAMINER	
BARNES & THORNBURG 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204			POPE, DARYL C	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/805,027	Applicant(s) GALLANT ET AL.	
	Examiner DARYL C. POPE	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/10/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

ART REJECTION:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 34-36,45,50-51, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Beney(4,768,241).**

-- In considering **claim 34**, the claimed subject matter that is met by Beney includes:

1) the cart adapted to carry a battery and a fluid supply and having a first display to provide battery related information and a second display to provide fluid supply related information is met by the mobile bed structure(10) which carries battery(74) and oxygen and air tanks(106,108), and having meter(78) for providing battery information(see: column 3, lines 46-50), and control unit(110) having meters(113,115) for providing tank pressure information(see: column 5, lines 21-26).

-- With regards to **claim 35**, the patient treating accessory and wherein the battery is configured to be coupled to the accessory for supplying power thereto is met by the various patient monitoring equipment which are powered by the power pack(72) including battery(74)(see: column 4, lines 1-10).

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-- With regards to **claim 36**, the display including an indicator for indicating the status of the battery charge level is met by the meter(78) which provides an indication of the magnitude of voltage by the battery(see: column 3, lines 46-50).

-- With regards to **claim 45**, the fluid port located on the cart and coupled to the fluid supply is met by the oxygen and air lines(58,62).

-- **Claims 50-51** recite subject matter that is met as discussed in claim 34 above(106,108).

-- **Claim 53** recites subject matter that is met as discussed in claim 34 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 37-44, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beney in view of Guthrie et al(5,235,713).**

-- With regards to **claims 37-44, and 46-49**, although the particular form of indicator is not specifically identified by Beney, use of various forms of indicators are well known in the art. In related art, Guthrie et al(Guthrie) discloses an attachment to a mobile hospital bed which includes level status indicators for indicating the level of pressure on a bar graph indicator(196).

Although the indicator(196) of Guthrie is utilized for pressure indication, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to utilize the indicator for indicating battery charge level and fluid supply level, and incorporate this graph into the meters(78,113,115) of Beney, since this would have enhanced the perception of the meter for the purpose of indicating voltage status and fluid supply status in the device of Beney.

Furthermore, the examiner takes Official Notice that in the indicating art, use of indicators which flash when battery charge is low, operating status indicators, series of indicators representing particular conditions of the battery, power on indicators, overload indicators, no power indicators, service requirement indicators, and fluid below predetermined level indicators. Since the above stated indicators are well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate any and/or all of the above stated indicators into the meters of Beney in view of Guthrie, since this would have helped provide the most comprehensive information pertaining to the operation status of essential devices such as power and fluid supply in the device of Beney to a user of the device.

-- With regards to **claim 49**, although not taught by Beney, use of actuators to silence a display alarm is well known in the art. In related art, Guthrie discloses an alarm silence actuator(198) for silencing an alarm system that monitors devices on a mobile bed(see: column 20, lines 55-60). Since Beney monitors vital signs and equipment of a patient in emergency situations(see: column 6,lines 32-38), it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an alarm and the alarm silencing actuator(198) of Guthrie into the system of Beney, since

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this would have provided a means for alerting and control/silencing of the alerting means as necessary once an emergency situation would have been attended to.

5. Claims 52 and 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beney.

-- With regards to **claims 52, and 54-55**, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the display onto an upwardly facing top wall of the bed structure(10) of Beney, since one of ordinary skill in the art would have readily recognized the most advantageous positioning of the display so as to facilitate monitoring of the status of the patient and as well the equipment carried on the mobile bed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL J. WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daryl C. Pope

Oct. 30, 2005

DARYL C POPE
Primary Examiner
Art Unit 2632

A handwritten signature in black ink, appearing to read "Daryl C. Pope", is written over the typed name and title.